IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 13250 of 1998

Dated: 22.02.2007

Between:
1.Saripally Suryanarayana Raju, S/o Konda Raju,
83 years, Mandalapalli (v), Dammapeta Mandal,
Khammam District and 2 others.

..... PETITIONERS

AND
1.The District Collector, Khammam District and
2 others. …RESPONDENTS

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO. 13250 of 1998

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in dispossessing the petitioners from the lands in Sy.Nos.290/1 and 291/1 admeasuring Ac.5.00 guntas, Ac.4.15 guntas and Ac.4.15 guntas respectively situated in Akenepalli village, Dammapeta Mandal, Khammam District, as illegal and arbitrary and consequently direct the respondents not to dispossess the petitioners from the lands in question.

A detailed counter-affidavit has been filed on behalf of the respondents stating that in respect of writ petitioner No.1 action has been initiated and possession of the land has been taken since he is not eligible as per G.O.Ms.No.41 dated 10.01.1971 and in respect of writ petitioner Nos.2 and 3 no such action has been initiated under Land Encroachment Act or any other Act since survey work is not yet completed. It is further stated that after completion of survey work, they would follow due process of law and issue necessary notice under Section 7 of the A.P. Encroachment Act to petitioners 2 and 3.

Having regard to the statement made in the counter-affidavit, I do not think any further orders are necessary to be passed in this writ petition.

The Writ Petition is accordingly dismissed. However, it is made clear that if the respondents want to dispossess the petitioners from the lands in question, the same shall be done only after following due process of law. No costs.

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(GOPALA KRISHNA TAMADA, J)

22-02-2007
Gsn.